

# **CITY COUNCIL AGENDA**

**JANUARY 25, 2005**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ VICE MAYOR  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
VACANT  
DAVID D. CORTESE  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.htm](http://www.sanjoseca.gov/clerk/agenda.htm)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:32 a.m. - Closed Session, Room 600, City Hall  
**Absent Council Members: None.**  
  
1:36 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**  
  
7:07 p.m. - Public Hearings, Council Chambers, City Hall  
**Absent Council Members: None.**
- **Invocation (District 1)**  
Archbishop Mitty High School Jazz Quartet performed.
- **Pledge of Allegiance**  
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved; Item 1.1 was deferred to 2/1/05, Item 2.7 was deferred to 2/8/05 in lieu of being dropped, and Items 1.4 and 1.5 were heard in the evening.

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a proclamation declaring February 2005 as Silicon Valley Reads Month. (Mayor)  
**Deferred to 2/1/05, per Orders of the Day.**
- 1.2 Presentation of a commendation for 2004 Youth Flag Football. (Parks, Recreation and Neighborhood Services)  
**Mayor Gonzales presented a commendation to the Moreland West Youth Program for 2004 Youth Flag Football.**

# 1 CEREMONIAL ITEMS

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- 1.3 Presentation of a commendation recognizing IBM for its important contribution to the San José economy. (Mayor/Williams)  
(Rules Committee referral 1/19/05)  
**Mayor Gonzales and Council Member Williams recognized IBM as a pioneering contributor to the economy of San José.**
- 1.4 Presentation of a commendation to Cops Care Foundation to providing financial assistance to children and their families who have been stricken with cancer. (Chavez)  
(Orders of the Day)  
**Heard in the evening, per Orders of the Day.**  
**Mayor Gonzales and Council Member Chavez presented a commendation to the Cops Care Foundation for providing financial assistance to the community.**
- 1.5 Presentation of a commendation to the Latino College Preparatory Golden Eagle Soccer Team for their first undefeated season as a member of the Christian Private School Athletic League and for their selection as “Sportsmen of the Year.” (Campos)  
(Orders of the Day)  
**Heard in the Evening, per Orders of the Day.**  
**Mayor Gonzales and Council Member Campos presented a commendation to Robert Cruz Jr. and the twenty six members of the Golden Eagle Soccer Team for their outstanding undefeated first season.**
- 1.6 Presentation of a commendation to San José Police Lieutenant Chris Moore for being awarded a Fulbright Scholar Police Executive Grant to do research at the London School of Economics and the New Scotland yard. (Campos)  
(Orders of the Day)  
**Mayor Gonzales and Council Member Campos presented a commendation to San José Police Lieutenant Chris Moore for outstanding achievement.**

# 2 CONSENT CALENDAR

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- 2.1 **Approval of Minutes.**
- (a) Regular Minutes of October 12, 2004
  - (b) Regular Minutes of October 19, 2004
  - (c) Joint Council/Redevelopment Agency Minutes of October 19, 2004
  - (d) Regular Minutes of October 26, 2004
  - (e) Joint Council/Redevelopment Agency Minutes of October 26, 2004
  - (f) Regular Minutes of November 2, 2004
  - (g) Regular Minutes of November 9, 2004
  - (h) Minutes of the San José Financing Authority of November 9, 2004
- Approved.**
- (i) Regular Minutes of November 16, 2004  
**Deferred to 2/8/05.**

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances.

- (a) ORD. NO. 27310 – Rezones certain real property situated at the northeast corner of Bonita Avenue and Sunny Court to a PD Planned Development Zoning District. PDC03-103  
**Ordinance No. 27310 adopted.**
- (b) ORD. NO. 27329 – Rezones certain real property situated on the west side of North White Road, 210 Feet south of McKee Road, to CP Commercial Pedestrian Zoning District. C04-083  
[Deferred from 1/11/05 – Item 2.2 (f)]  
**Ordinance No. 27329 adopted.**
- (c) ORD. NO. 27333 – Amending Section 7.11.100 of Chapter 7.11 of Title 7 of the San José Municipal Code to create an exception to the ban on feeding wild animals for any person using an attractant to trap animals in a legally authorized or permitted manner.  
**Ordinance No. 27333 adopted.**
- (d) ORD. NO. 27334 – Rezoning certain real property situated on the south side of Hillsdale Avenue, approximately 420 feet east of Highway 87 to A(PD) Planned Development Zoning District. PDC04-060  
**Ordinance No. 27334 adopted, including the Director of Planning's recommended 30-foot setback.**
- (e) ORD. NO. 27335 – Prezoning certain real property situated on the east side of Kirk Avenue, approximately 110 feet southerly of Summit Avenue to R-1-8 Residence Zoning District. C04-090  
**Ordinance No. 27335 adopted.**
- (f) ORD. NO. 27336 – Rezoning certain real property situated on the northeast corner of Willow Street and Prevost Street to a A(PD) Planned Development Zoning District. PDC04-065  
**Ordinance No. 27336 adopted.**

## 2 CONSENT CALENDAR

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### 2.3 Approval of fiscal actions for Redevelopment Agency Capital Projects.

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Christmas in the Park Project (PSM 388), Civic Plaza Streetscape Project (PSM 382), Richmond-Menker Housing Rehabilitation Project (PSM 377#1), West Community Joint Facility Project (PSM 391), Improvement District 99-218SJ (Hellyer-Piercy) Project (PSM 392), Non-Project Specific DPW Services Project (PSM 393), and King & Story Road Improvements Project (PSM 221#6) with a net impact to the fund of \$3,189,321.

**Ordinance No. 27337 adopted.**

**Resolution No. 72487 adopted.**

- (b) Adoption of a resolution making certain determinations regarding the related expenditures of the Redevelopment Agency funds on certain public improvements in connection with the Richmond-Menker Housing Rehabilitation Project, as more specifically described in the memorandum from the Redevelopment Agency, dated December 5, 2005.

CEQA: Christmas in the Park: Exempt. PP05-007; Civic Plaza Streetscape - South 5<sup>th</sup> and 6<sup>th</sup> Streets City Facilities Service Conversions: Exempt, PP01-08-153; Richmond-Menker Housing Rehabilitation: Not a Project; West Community Joint Facility Project: Not a Project; Improvement District 99-218SJ (Hellyer-Piercy): Not a Project; Non-Project Specific DPW Services: Not a Project; King and Story Road Improvements Projects: Not a Project. Council Districts 1, 2, 3, and 5. SNI: Blackford and Burbank/Del Monte. (City Manager's Office)

**Resolution No. 72488 adopted.**

**Correction noted. This item includes the 680/East Valley SNI.**

### 2.4 Approval to designate Bay Area Urban Economics as a representative of the City.

**Recommendation:** Adoption of a resolution designating Bay Area Urban Economics as a representative of the City, authorized to examine all sales and use tax records of the California State Board of Equalization. CEQA: Not a Project. (Economic Development)

**Resolution No. 72489 adopted.**

### 2.5 Approval to grant an easement to PG&E.

**Recommendation:** Adoption of a resolution granting an easement to the Pacific Gas and Electric Company (PG&E) over a portion of City-owned property located at 1699 Story Road for the installation and maintenance of a 60kv electrical transmission line, and delegating authority to the Director of General Services to execute all documents necessary to complete transfer of the Easement. CEQA: Exempt, PP01-03-050. Council District 5. (General Services)

**Resolution No. 72490 adopted.**

## 2 CONSENT CALENDAR

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### 2.6 Approval of actions for the Automated Fingerprint Identification system.

**Recommendation:**

- (a) Adoption of a resolution to accept SB 720 funds from the County of Santa Clara in the amount of \$2,771,632;

**Resolution No. 72491 adopted.**

- (b) Amend the annual appropriation ordinance and funding sources resolution in the General Fund as follows:

- (1) Increase the City-wide Appropriation for the Automated Fingerprint Identification System (AFIS) in the amount of \$2,771,632; and
- (2) Increase the estimate for Revenue from Local Agencies by \$2,771,632.

**Ordinance No. 27338 adopted.**

**Resolution No. 72492 adopted.**

**City Attorney directed to check on the status of a Public Records Act request from Cogent Inc.**

- (c) Adoption of a resolution authorizing the Director of General Services to:
- (1) Negotiate and execute an agreement for the sole source purchase of software and hardware for Phase II of existing upgrade to the AFIS with Printrak International, a division of Motorola (“Printrak”) located in Anaheim, California in the amount of \$2,292,897, including sales tax, installation and training.
  - (2) Execute change orders to the agreement in an amount not to exceed \$270,920 for any additional, unanticipated requirements encountered during the implementation process for this project.

CEQA: Not a Project. (General Services/Police/City Manager’s Office)

(Deferred from 1/11/05 – Item 2.6)

**Resolution No.72493 adopted.**

### 2.7 Acceptance of the report on the establishment of a funding program for energy projects in City Buildings.

**Recommendation:** Acceptance of the report on the establishment of a funding program for energy projects in City Buildings. CEQA: Not a Project. (Environmental Services)

**Deferred to 2/8/05, per Orders of the Day.**

## 2 CONSENT CALENDAR

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### 2.8 Approval of actions for the Santa Clara Valley Urban Runoff Pollution Prevention Program.

**Recommendation:** Adoption of a resolution authorizing the City Manager to execute an Amendment to the Memorandum of Agreement (Agreement for the Santa Clara Valley Urban Runoff Pollution Prevention Program (Program), continuing the authority of the Director of Environmental Services to designate a City representative to serve on the Program Management Committee and authorizing the City's joinder in the application for re-issuance of the Program National Pollutant Discharge Elimination System (NPDES) permit. CEQA: Not a Project. (Environmental Services)

**Deferred to 2/8/05.**

### 2.9 Council confirmation of Vice Mayor Cindy Chavez.

**Recommendation:** Approval to ratify the appointment of Cindy Chavez as Vice Mayor. (Mayor)

**Approved.**

### 2.10 Approval of an agreement for the proposed Monterey Highway Soccer Complex Project.

**Recommendation:** Approval of an agreement with Environmental Science Associates, Inc. for environmental services to complete an environmental impact report related to the proposed Monterey Highway Soccer Complex Project, from the date of execution to March 30, 2006, for a base fee in the amount not to exceed \$270,160, and contingency in the amount of \$27,000 for a total agreement amount of \$297,160. CEQA: Not a Project. Council District 2. (Parks, Recreation and Neighborhood Services)

**Approved.**

### 2.11 Approval to reject the sole bid and re-advertise and re-bid the Building Re-enforcement of Wireless Radio, Cellular, and WiFi Coverage in New City Hall.

**Recommendation:** Approval to reject the sole bid for the San José New City Hall In-Building Re-enforcement of Wireless Radio, Cellular, and WiFi Coverage Project, and authorization for the Director of Public Works to re-advertise and re-bid the project.

CEQA: Resolution No. 68905. (Public Works/Information Technology)

(Deferred from 1/11/05 – Item 2.16)

**Deferred to 2/1/05.**

### 2.12 Approval to award a contract for the Airport's Tenant Improvement Project.

**Recommendation:** Report on bids and take appropriate action based on the evaluation of bids for the Norman Y. Mineta San José International Airport Tenant Improvement Phase 1-B Project. CEQA: PP04-04-135. (Public Works/Airport)

(Deferred from 1/11/05 – Item 2.17)

**Deferred to 2/1/05.**



## 2 CONSENT CALENDAR

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### 2.13 Approval of two donations for permanent easements for traffic signals.

**Recommendation:** Adoption of a resolution authorizing the Director of Public Works to execute all documents related to the donations of two property easements, rights and interests, on church property located at 2350 Leigh Avenue, as a donation from the Covenant Orthodox Presbyterian Church and on school property located at 1840 Harris Avenue, as a donation from Cambrian School District. CEQA: Exempt, PP04-264. Council Districts 6 and 9. (Public Works)

**Resolution No. 72494 adopted.**

### 2.14 Approval of a Revocable License and Maintenance Agreement for maintenance within the median islands on Alicante Drive and Estancia Drive, west of Zanker Road.

**Recommendation:** Approval of a Revocable License and Maintenance Agreement with Irvine Commercial Property Company for the purpose of assigning responsibility for maintenance of enhanced landscape improvements within the median islands on Alicante Drive and Estancia Drive west of Zanker Road. CEQA: Not a Project. Council District 4. (Public Works/Transportation)

**Approved.**

### 2.15 Approval to summarily vacate the Public Service Easement on the east side of Baypointe Parkway at Baypointe Drive.

**Recommendation:** Adoption of a resolution summarily vacating the five-foot wide Public Service Easement lying in Lot 7, Tract 9235, located on the east side of Baypointe Parkway at Baypointe Drive. CEQA: Exempt, PP05-010. Council District 4. (Public Works)

**Resolution No. 72495 adopted.**

### 2.16 Approval of a continuation agreement for the San José McEnery Convention Center Sound System Renovation Project.

**Recommendation:** Approval of a continuation agreement for consultant services with Sound Technology Consultants, Inc., for the San José McEnery Convention Center Sound System Renovation Project extending the term of the agreement from August 31, 2004 to May 31, 2005, at no cost to the City. CEQA: Not a Project. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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**2.17 Approval to submit a grant application for the Runoff Reduction Demonstration Project at Public Safety facilities.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to submit a grant application to the State Water Resources Control Board (SWRCB) for the Runoff Reduction Demonstration Project at Public Safety facilities. CEQA: Not a Project. (Public Works)

**Resolution No. 72496 adopted.**

**2.18 Approval of a Transportation Fund for a Clean Air grant agreement to receive funding for three projects.**

**Recommendation:** Approval of a Transportation Fund for a Clean Air (TFCA) grant agreement with the Santa Clara Valley Transportation Authority (VTA) to receive grant funding in an amount not to exceed \$794,397 for the following three transportation projects:

- (a) Bascom Corridor Signal Timing in an amount not to exceed \$119,000.
- (b) Bascom Transit Signal Priority in an amount not to exceed \$329,397.
- (c) ITS West - Stevens Creek in an amount not to exceed \$346,000.

CEQA: (a) Bascom Signal Timing - Not a Project; (b) Bascom Transit Signal Priority - Not a Project; (c) ITS Stevens Creek-West - Exempt, PP00-02-026. Council Districts 5, 6, 7, 8 and 9. (Transportation)

**Approved.**

**2.19 Approval to amend the Cooperative Agreement for the replacement of the existing bridge across Guadalupe River at Willow Glen Way.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the first amendment to the Cooperative Agreement with the Santa Clara Valley Water District for the replacement of the existing bridge across Guadalupe River at Willow Glen Way to increase the amount of the City of San José's cost share from \$142,000 to \$434,700. Council District 6. CEQA: Negative Declaration, PP98-01-012. (Transportation)

**Resolution No. 72497 adopted.**

## 3 STRATEGIC SUPPORT SERVICES

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**3.1 Report of the Study Session  
Mayor Gonzales, Chair  
No Report.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – January 12, 2005

##### Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review January 25, 2005 Council Agenda  
**The Committee recommended approval of the January 25, 2005 City Council Agenda with two additions.**
  - (2) Add New Items to January 18, 2005 Agenda  
**The City Council Meeting scheduled for January 18, 2005 was cancelled.**
  - (3) List of Reports Outstanding  
**There were none.**
- (c) Legislative Update
  - (1) State  
**There was no report.**
  - (2) Federal  
**There was no report.**
- (d) Meeting Schedules
  - (1) Request to Schedule General Plan Hearing  
**The Committee recommended approval to schedule a General plan Hearing.**
- (e) The Public Record  
**The Committee noted and filed the Public Record.**
- (f) Appointments to Boards, Commissions and Committees  
**There was no report.**
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Police Department Overtime  
**Deputy Chief of Police Peter Oliver presented the background of the police overtime audit. He advised the Committee of the controls that the Police Department has put in place. The Police Department stated that their controls have been successful. The Committee requested that this item return to the Rules Committee in one week so the City Audit can report on his audit recommendations and audit work plan.**
- (h) Oral Communications  
**Bill Chew requested that the Rules Committee hold their meeting in the Council Chambers so that the meetings may be televised.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – January 12, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

- (i) Adjournment  
**The meeting was adjourned at 3:26 p.m.**

#### **Report of the Rules Committee (Partial) – January 19, 2005**

**Vice Mayor Chavez, Chair**

- (g) Rules Committee Reviews, Recommendations and Approvals
  - (2) Approve Council Committee Work Plans
    - (a) All Children Achieve  
**Deferred to January 26, 2005.**
    - (b) Building Better Transportation  
**The Committee recommended approval of the Building Better Transportation work plan for the period January through June 2005 and setting its meeting schedule on the first Monday of each month at 1:30 p.m. in Room 204.**
    - (c) Building Strong Neighborhoods  
**The Committee recommended approval of the Building Strong Neighborhoods work plan for the period January through June 2005 and setting its meeting schedule on the third Monday of each month at 1:30 p.m. in Room 2004.**
    - (d) Driving a Strong Economy  
**The Committee recommended approval of the Driving a Strong Economy work plan for period January through June 2005 and setting its meeting schedule on the fourth Monday of each month at 1:30 p.m. in Room 204.**
    - (e) Making Government Work Better  
**The Committee recommended approval of the Making Government Work Better work plan for period January through June 2005 and setting its meeting schedule on the third Thursday of each month at 1:30 p.m. in Room 204, and setting one placeholder meeting on June 23, 2005 at 1:30 p.m. due to the volume of items during its items during its regularly scheduled meetings.**
    - (f) Rules  
**The Committee recommended approval of the Rules Committee work plan for period January through June 2005 and setting its meeting schedule each Wednesday of the month at 2:00 p.m. in Room 204.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee (Partial) – January 19, 2005 (Cont'd.)**

**Vice Mayor Chavez, Chair**

(g) Rules Committee Reviews, Recommendations and Approvals (Cont'd.)

(3) Report on Commission Vacancies and Incumbents Eligible for Re-Appointments.

**See Item 3.10 for Council Action taken.**

**City Clerk Lee Price presented the Committee with a summary of the current vacancy process and the status of the June 2005 vacancies.**

**The Committee recommended approval of the process for streamlining reappointments of eligible incumbents.**

**The Rules/Partial Rules Committee Reports and the Actions of January 12, 2005 and January 19, 2005, were approved.**

#### **3.3 Report of the Making Government Work Better Committee**

**Council Member Reed, Chair**

**No Report.**

#### **3.4 Approval of an ordinance amending Title 2 of the San José Municipal Code. as it relates to the Elections Commission.**

**Recommendation:** Approval of an ordinance amending Title 2 of the San José Municipal Code as it relates to the eligibility requirements for members of the Elections Commission and subpoena authority for the Chair of the Elections Commission, as recommended by the Blue Ribbon Task Force. (City Attorney/Blue Ribbon Task Force)

**Ordinance No. 27339 passed for publication.**

#### **3.5 Approval to award a contract for the New City Hall Systems Furniture Project.**

**Recommendation:**

(a) Report on bids and award the purchase of Systems Furniture for New City Hall to the lowest responsive bidder, Contract Office Group (Milpitas, CA), at a total cost of \$3,357,019.26 including tax.

(b) Approval of a contingency in the amount of \$335,701 for unforeseen changes/requirements that may arise prior to the completion of the furniture installation.

(c) Authorize the Director of General Services to execute the agreement.

CEQA: Resolution No. 68905, PP98-03-072. SNI: University. (General Services/City Manager's Office)

**Approved.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.6 Approval to reject all proposals for the consolidated server and storage solution for New City Hall.

**Recommendation:** Approval to reject all proposals for the consolidated server and storage solution for New City Hall. (General Services)  
(Rules Committee referral 1/19/05)

**Approved.**

#### 3.7 Report of the Independent Investigator on the RFP process for the Converged Data Network and Telephony System for the New City Hall.

**Recommendation:** Acceptance of the Findings and Recommendations of the Independent Investigator. (Independent Investigator)  
(Deferred from 12/14/04 – Item 3.5 and Continued from 1/11/05 – Item 3.4)

**Reports from the Independent Investigator received and accepted. Staff direction as follows:**

- (1) **Direct the City Manager, City Attorney and City Clerk to jointly:**
  - (a) **Develop a comprehensive and effective procedure for handling all Public Records Act requests and report back to the Rules Committee within 30 days.**
  - (b) **Create a simple verification system to ensure that every City office affected by Public Records Act requests is fully compliant with each request.**
  - (c) **Prepare a public records retention policy that will set standards for retention periods for different types of City records and documents.**
  - (d) **Provide regular reports to the Rules Committee of all outstanding Public Records Act requests, their status, and associated costs to the City for compliance.**
  - (e) **Develop a web page on the City's web site that includes the document that is provided for in Item (d) above, and lists Public Records Act requests within 48 hours of their submission.**
  - (f) **Refer to the Blue Ribbon Task Force these changes and other issues that may arise in the review of a "sunshine ordinance".**
- (2) **Direct the City Manager to provide for the Council an assessment of technology related staffing levels (both in the Department of Information Technology and implementing departments) and core competencies for system administration, maintenance and project management during the budget process, which would include an initial discussion at the budget study session scheduled for January 31, 2005.**

*(Item continued on the next page)*

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.7 Report of the Independent Investigator on the RFP process for the Converged Data Network and Telephony System for the New City Hall (Cont'd.)**

- (3) Direct the City Manager to provide to the Council an outside independent assessment of staffing and expertise needs in the development of Request for Proposals (RFP) or project management before proceeding with any IT (or other complex) purchase or contracts exceeding \$1 million.**
- (4) Direct the City Manager to provide detailed cost estimates for all aspects of any IT purchase exceeding \$1 million, including costs of RFP development and costs of project implementation and management.**
- (5) Direct the City Attorney to develop a Council Policy to guide future Councils on how they investigate issues with contracts, including requesting an outside investigator.**
- (6) Direct the City Manager to develop a form for technology standardization that must include appropriate signatures verifying that the City's standardization process has been followed and be attached to any Council memorandums that contain purchase or RFP recommendations that contain a standardized product.**
- (7) Direct the City Manager to include a list of evaluators and description of their expertise when subjective evaluation is used for vendor or product selection.**
- (8) Direct the City Clerk and City Manager that on all RFP's with values exceeding \$1 million, the Staff recommendation must be received no later than the Rules Committee meeting two weeks prior to consideration, unless the Rules Committee approves a specific exception and that a timeline for approval be two weeks after the first hearing for final adoption, if necessary, to allow time for potential Council changes; and, including:**
  - (9) Two additional personal evaluations:**
    - (a) Joint City Manager/City Attorney Mid Year Evaluation.**
    - (b) Joint City Manager/City Attorney Annual Evaluation.**
  - (10) In addition, an initial Joint City Manager/City Attorney Evaluation should be conducted within thirty days in Closed Session during which the City Manager and City Attorney shall jointly present the current status of all pending transactional/legal items, during which the final investigative report shall be discussed in an evaluative context; and during which time, baseline evaluation criteria goals shall be established for the remainder of the year in the area of interoffice protocol.**

**Noes: Cortese.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.8 Approval of actions prohibiting Special Events Accounts for Council District and City-wide special events.

**Recommendation:** Adoption of a resolution prohibiting Special Events Accounts for donations for Council District and City-wide special events.

- (a) Direction to the City Clerk to transfer remaining balances in existing special events accounts to the General Fund and designate those funds for the purpose for which they are donated, as appropriate.
- (b) Direction to the Administration to return with related funding sources resolution and appropriate ordinance amendments.

(Blue Ribbon Task Force)

(Rules Committee referral 1/19/05)

**Deferred to 2/1/05.**

#### 3.9 Approval of actions related to the vacancy in District 7.

**Recommendation:**

- (a) Recommend that the City Council adopt a resolution calling for a special election on June 7, 2005 to fill the vacancy in District 7. (Mayor)

**Resolution No. 72498 adopted.**

**The City Clerk to determine if an all mail ballot election to fill the vacancy would be possible.**

- (b) Direct the City Clerk to negotiate with the Registrar of Voters to schedule the run-off election, if necessary, for the earliest possible date following the primary election. (Mayor)

**Approved.**

- (c) Recommend that current District 7 staff members be re-appointed under the Mayor's office appointing authority. Mayor's office to oversee District 7 staff during interim period until a newly elected Council Member can be sworn-in including land use, constituent services, personnel and budget issues. (Mayor)

**Approved.**

**Mayor's Office requested to perform outreach to the community of District 7.**

- (d) Approval of an ordinance providing authorization to the City Clerk to conduct and take actions with regard to the holding of a Special Election to fill the vacancy in the Office of Councilmember, District 7. (City Attorney's Office)

**Ordinance No. 27340 passed for publication.**



### 3 STRATEGIC SUPPORT SERVICES

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#### 3.10 Approval of a process for the reappointment of eligible incumbents for Boards and Commission within the Project Diversity Program.

**Recommendation:** As recommended by the Rules Committee, direct the City Clerk to amend the recruitment process for Boards and Commissions within the Project Diversity Program, as it relates to the reappointment of eligible incumbents. (City Clerk)  
[Rules Committee referral 1/19/05 – Item (g)(3)]

**Approved.**

### 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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#### 4.1 Report of the Building Strong Neighborhoods Committee Council Member Chirco, Chair

**No Report.**

#### 4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair

**No Report.**

#### 4.3 Approval of actions for Raintree Apartments.

**Recommendation:** Adoption of a resolution:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Variable Rate Demand Multifamily Housing Revenue Bonds (Raintree Apartments) Series 2005A in a principal amount not to exceed \$21,100,000 (the "Bonds");
- (b) Approving a loan of Bond proceeds to Fairfield Raintree, L.P., a California limited partnership, for financing the acquisition and rehabilitation of Raintree Apartments located at 1034-1060 South Winchester Boulevard in San Jose;
- (c) Approving in substantially final form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Intercreditor Agreement, Bond Purchase Agreement and Official Statement; and
- (d) Authorizing the City Manager or other authorized officers to execute and, as appropriate, to negotiate, execute and deliver these bond documents and other related bond documents as necessary.
- (e) Approving an exception to the City's Investment Policy by allowing trustee to invest trustee-held funds in (i) money market funds where the investment portfolio consists solely of non-AMT tax-exempt obligations and is rated AAA, or (ii) non-AMT tax-exempt obligations rated in the highest short-term rating category by the rating agency providing a rating with respect to the 2005A Bonds (Standard & Poor's).

CEQA: Exempt, PP05-005. Council District 1. SNI: Winchester. (Finance/Housing)  
**Resolution No. 72499 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.4 Approval of the selection of Emergency Housing Consortium, Sacred Heart Community Service, and InnVision-The Way Home, to provide services to the homeless population.**

**Recommendation:** Adoption of a resolution:

- (a) Approving the selection of the Emergency Housing Consortium (EHC), Sacred Heart Community Service (SHCS), and InnVision - The Way Home (InnVision) to provide services to the homeless population on behalf of the City of San José, from February 1, 2005 through June 30, 2006, at a cost not to exceed \$1,034,167.
- (b) Authorizing the Director of Housing to negotiate and execute the documents necessary to enter into agreements with the Emergency Housing Consortium, Sacred Heart Community Service and InnVision to provide homeless services.

CEQA: Not a Project. (Housing)

**Resolution No. 72500 adopted.**

### **4.5 Acceptance of the Japantown Historic Context & Reconnaissance Level Survey.**

**Recommendation:** Acceptance of the Japantown Historic Context & Reconnaissance Level Survey. CEQA: Exempt, PP05-004. Council District 3. (Planning, Building and Code Enforcement)

**Heard in the evening.**

**Report Accepted.**

### **4.6 Acceptance of the second progress report on the land use Concept Plan for the new Coyote Valley community.**

**Recommendation:** Acceptance of the second progress report from the Coyote Valley Specific Plan Task Force on the land use Concept Plan for the new Coyote Valley community. CEQA: Exempt, PP03-11-366. (Planning, Building and Code Enforcement)

**Heard in the evening.**

**Second Progress Report Accepted.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair No Report.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.2 Acceptance of the report on the Library Bond Projects.**

**Recommendation:** Acceptance of report on the Library Bond Projects. CEQA: Not a Project. (Citizen Oversight Committee for the Library Bond Projects)

**Report Accepted.**

### **5.3 Acceptance and file the annual report regarding the implementation of the Safe Neighborhood Parks and Recreation Bond Program.**

**Recommendation:** Acceptance and file the annual report regarding the implementation of the Safe Neighborhood Parks and Recreation Bond Program through the 2003-2004 Fiscal Year. CEQA: Not a Project. (Citizen Oversight Committee for Safe Neighborhood Parks and Recreation Bond Program)

**Report Accepted.**

### **5.4 Approval of an agreement for the potential reuse of the old Martin Luther King Jr. Library facility for additional museum facilities.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to execute an agreement between the City of San José and the San José Museum of Art Association to cooperate in developing and analyzing information and data regarding the potential reuse of the old Martin Luther King Jr. Library facility for additional museum facilities.

CEQA: Exempt, PP05-019. (Economic Development)

**Resolution No. 72501 adopted.**

**Staff requested to work with the San José Museum of Art to bring in youth active groups such as Digital Clubhouse.**

## **6 TRANSPORTATION SERVICES**

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### **6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair**

**No Report.**

## **6 TRANSPORTATION SERVICES**

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### **6.2 Approval of actions for purchases and a donation of properties for the Senter Road Widening Project.**

#### **Recommendation:**

- (a) Approval of an agreement in the amount of \$7,407 with Francisco Gonzalez and Martha Gonzalez for the purchase of a portion of their real property abutting the east side of Senter Road at 3140 Senter Road and adoption of a resolution authorizing the Director of Public Works to execute any additional documents necessary to complete these transactions. CEQA: Resolution No. 57204, PP04-295. Council District 7. (Public Works)
- (b) Approval of an agreement in the amount of \$441,000 with Trong Nguyen and Cuc Trinh Nguyen for the purchase of a portion of their real property abutting the east side of Senter Road at 3060/3070 Senter Road and adoption of a resolution authorizing the Director of Public Works to execute any additional documents necessary to complete this transactions. CEQA: Resolution No. 57204, PP04-295. Council District 7. (Public Works)
- (c) Approval of a donation agreement with East Side Union High School District for the acquisition of real property along Senter Road at Capitol Expressway adjacent to Andrew Hill High School, and adoption of a resolution authorizing the Director of Public Works to execute any additional documents necessary to complete this transactions. CEQA: Resolution No. 57204, PP04-295. Council District 7. (Public Works)

**Resolution No. 72502 adopted.**

### **6.3 Approval of actions for the 3<sup>rd</sup> and 4<sup>th</sup> Streets Couplet Conversion Project.**

#### **Recommendation:**

- (a) Adoption of a resolution authorizing the Director of Public Works to execute all documents related to the acceptance of a donation of property located at 298 N. 4<sup>th</sup> Street, from the Green Valley Corporation. CEQA: Negative Declaration and addenda thereto, PP02-05-115 and PP04-293. Council District 3. SNI: Thirteenth Street. (Public Works)

**Resolution No. 72503 adopted.**

- (b) Report on bids and award of contract for the 3<sup>rd</sup> and 4<sup>th</sup> Streets Couplet Conversion Project to the low bidder, Wattis Construction Co. Inc., in the amount of \$566,160, and approval of a contingency in the amount of \$113,232. CEQA: Negative Declaration and addenda thereto, File No. PP02-05-115 and PP04-293. Council District 3. SNI: Thirteenth Street. (Public Works/Transportation)

**Approved.**

## 7 ENVIRONMENTAL & UTILITY SERVICES

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## 8 AVIATION SERVICES

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### 8.1 Approval of a Minor Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to increase the estimated size of terminal building space.

**Recommendation:** Adoption of a resolution approving a Minor Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to increase the estimated size of terminal building space needed to adequately accommodate projected passenger demand from a total of 1,075,000 square feet to 1,700,000 square feet of enclosed building space. CEQA: Resolution Nos. 67380 and 71451, PP04-305. (Airport)

(Deferred from 11/16/04, Item 8.1(d) and 12/7/04, Item 8.2)

**Deferred to 2/22/05.**

**(Note: Deferred to 3/1/05, Meeting of 2/22/05 was cancelled.)**

## 9 PUBLIC SAFETY SERVICES

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### 9.1 Approval of an ordinance for Firefighter safety in High Rises and unique structures.

**Recommendation:** Approval of an ordinance amending Part 4 of Chapter 17.12 of Title 17 of the San Jose Municipal Code to add a new Section 17.12.445 to establish public safety radio coverage requirements for certain large buildings exceeding fifty thousand square feet, basements exceeding ten thousand square feet, high rise buildings, buildings with two or more stories underground and tunnels over five hundred feet in length, and to require the installation of firefighter breathing air systems in high rise buildings, buildings with two or more stories underground and tunnels over five hundred feet in length, and buildings and structures with remote fire apparatus access. (Fire)

(Deferred from 1/11/05 – Item 9.1)

**Ordinance No. 27341 passed for publication, with Staff directed to:**

- (1) **Work with the development community over the next few months to develop administrative regulations, improve plan check review times, promote innovative safety solution, and streamline on-site review of the systems during construction in order to promote a smooth implementation of the new ordinance.**
- (2) **Report back to the Rules Committee on the implementation of this ordinance and on the status of adoption of the new Uniform Electrical Code in April 2005.**
- (3) **Continue to work in collaboration with VTA to develop fire safety options for the BART project.**

## 9 PUBLIC SAFETY SERVICES

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### 9.2 Acceptance of the report on the Neighborhood Security Bond Program.

**Recommendation:** Acceptance of the report on the Neighborhood Security Bond Program for Fiscal Year 2003-2004. CEQA: Not a Project. (Citizen Oversight Committee for the Public Safety Bond Program)

**Report Accepted.**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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The Redevelopment Agency Board convened at 6:18 p.m. to consider Items 10.1 and 10.2 in a Joint Session.

### 10.1 Approval of actions for the Silicon Valley Black Chamber of Commerce and the Towers Lane Improvement Project.

**Recommendation:**

- (a) Adoption of a resolution by the Agency Board approving the addition of \$150,000 in funding to the FY 2004-2005 Adopted Capital Budget: Neighborhood Improvement Program - Towers Lane Infrastructure Improvements line, and amending the FY 2004-2005 Agency appropriations resolution. (Redevelopment Agency)

**Redevelopment Agency Board Resolution No. 5575 adopted.**

- (b) (1) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Silicon Valley Black Chamber of Commerce in an amount not to exceed \$150,000 to provide funding for the Next Gen Business Academy to expand employment opportunities for jobless, underemployed, and low-income persons in San José by teaching business and entrepreneurial skills to adults and high school students.

**Resolution No. 72504 adopted.**

- (2) Adoption of the following appropriation ordinance and funding sources resolution amendments in the General Fund:
  - (a) Establish a City-Wide appropriation to the Office of Economic Development for the Black Chamber of Commerce Entrepreneurial Training Program in the amount of \$150,000;
  - (b) Increase the Transfer from Local Agencies in the amount of \$150,000.

CEQA: Not a Project. Council District 7. (Economic Development/City Manager's Office)

**Ordinance No. 27342 adopted.**

**Resolution No. 72505 adopted.**

## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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### **10.2 Approval of actions related to the Dorchester property.**

#### **Recommendation:**

- (a) Adoption of a resolution by the Redevelopment Agency Board:
    - (1) Approving the transfer to the City of San José of a 16-unit rental property located at 295 East San Fernando Street and 79 South Seventh Street and authorizing the Executive Director to enter into an option with JCN Investors, LLC (JCN) on behalf of Beta Theta Pi Fraternity (the Fraternity) to acquire the Property from the City of San José in the amount of \$1,100,000; and,
    - (2) Authorizing the Executive Director to execute such documents as necessary to conclude the transaction.
  - (b) Adoption of a resolution by the City Council:
    - (1) Approving the sale of 16-unit rental property known as the Dorchester property located at 295 East San Fernando Street and 79 South Seventh Street to JCN Investors, LLC (JCN) on behalf of Beta Theta Pi Fraternity (the Fraternity) from the City of San José in the amount of \$1,100,000.
    - (2) Accepting the Relocation Plan for residents at the Dorchester property.
- (City Manager's Office/Redevelopment Agency)  
(Orders of the Day)

**Deferred to 2/1/05.**

**The Redevelopment Agency Board portion of the meeting adjourned at 6:21 p.m.**

### **● Closed Session Report**

**City Attorney Doyle disclosed the following Closed Session action of January 25, 2005:**

#### **A. Authority to Initiate Litigation:**

**Authority to initiate litigation was given in one (1) matter. The name of the action and the defendants, as well as the substance of the litigation, shall be disclosed to any person upon inquiry once the action is formally commenced.**

**Council Vote: Ayes:**                      **Nora Campos, Cindy Chavez, Judy Chirco, David Cortese, Linda LeZotte, Nancy Pyle, Chuck Reed, Forrest Williams, Ken Yeager; Ron Gonzales.**

**Noes:**                                      **None.**  
**Disqualified:**                              **None.**  
**Absent:**                                      **None.**

- **Notice of City Engineer's Pending Decision on Final Maps**  
In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9628	N/side of Canoas Garden, approx. 400 feet easterly of Almaden Road	6	LuLevitt Development	6 lots/ 5 units	SFR Detached	Approve
9639	Southwest corner of Woodglen and Campbell Avenues. (APN: 403-02-046)	1	SummerHill Homes	21 Units	SFDR	Approve

- **Open Forum**  
None.

- **Adjournment**

**The afternoon session was adjourned at 6:22 p.m.**



## 11 PUBLIC HEARINGS

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(Heard by the City Council at 7:07 p.m.)

### 11.1 Public Hearing on Planned Development Rezoning of the property located on the southwest corner of McKee Road and North Jackson Avenue.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located on the southwest corner of McKee Road and North Jackson Avenue, from A Agriculture, CG Commercial General, CO Commercial Office, A(PD) Planned Development, R-2 Two Family Residence Districts to A(PD) Planned Development Zoning District to allow up to 1,030,000 square feet of medical facility uses including a new emergency department, trauma center, a roof-top helipad, intensive care facilities, women's and infant services, and medical offices on a 34.4 gross acre site. (San José Healthcare System, LP, Owner). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC03-093 - District 5

[Continued from 12/7/04 - Item 12.3(c)]

**Ordinance No. 27343 passed for publication.**

**CEQA Resolution No. 72506 adopted, including the following direction:**

- (1) **Representatives of Regional Medical Center work with the City of San José Planning Staff to develop a parking management plan that will reduce the percentage of surface parking on the site and support improved on-site circulation. Additionally, upon completion, the parking management plan will be scheduled as a study session item before the Planning Commission, and then forwarded to a Planning Director's Hearing for action.**
- (2) **Representatives of Regional Medical Center continue to work with the City of San José Planning Staff to optimize site ingress and egress.**
- (3) **At least one acre to be provided as a greenscape in a fashion that creates a pleasing interface with the surrounding community and encourages connectivity and community interaction with the site. This could be the provision of walking paths and seating areas. The proposed tot lot will be included as part of this one acre but the tot lot size should be doubled. Street lighting and site lighting should also be considered as part of this direction.**
- (4) **Representatives of Regional Medical Center work with City of San José Planning Staff to create an interim strategy to meet the needs for medical emergency helicopter landings.**

## 11 PUBLIC HEARINGS

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### 11.2 Public hearing on a Planned Development Rezoning of the property located at 840 N. 15th Street.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance and adoption of a resolution on Planned Development Rezoning from R-2 Two-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow 2 existing single-family detached residences and associated Planned Development Permit to effectuate the proposed rezoning on a 0.23 gross acre site, located at 840 N. 15th Street (Kalbali Ali A., Owner). SNI: 13<sup>th</sup> Street. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0)

PDC04-044 & PD04-031 – District 3

(Continued from 12/14/04 – Item 11.4)

**Ordinance No. 27344 passed for publication.**

**Resolution No. 72507 adopted.**

### 11.3 Public Hearing on a Conforming Conventional Rezoning of the property located at 4558 Birkenshaw Place.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on Conforming Conventional Rezoning of the property located at the southeast corner of Branham Lane and Birkenshaw Place (4558 Birkenshaw Pl.), from R-1-1 Residence Zoning District to R-1-8 Residence Zoning District, on a 0.23 gross acre site. (Lin Mon F, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 04-079 - District 10

(Continued from 12/7/04 - Item 11.9 and 1/11/05 - Item 11.2)

**Continued to 2/15/05.**

### 11.4 Public Hearing on a Conforming Rezoning from CN Commercial Neighborhood District to R-1-8 Residence District to allow residential uses on a 0.12 gross acre site.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on a Conforming Rezoning from CN Commercial Neighborhood District to R-1-8 Residence District to allow residential uses on a 0.12 gross acre site, located on the west side of Stockton Avenue, approximately 50 feet southerly of Villa Street (641 Stockton Avenue) (Wisinski Grzegorz, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C04-107 – District 6

**Ordinance No. 27345 passed for publication.**

## 11 PUBLIC HEARINGS

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### 11.5 Public Hearing on a Conforming Rezoning to R-M Multiple Residence District to allow residential uses on a 0.25 gross acre site.

**Recommendation:** Public Hearing on and consideration of approval of an ordinance on a Conforming Rezoning to R-M Multiple Residence District to allow residential uses on a 0.25 gross acre site, located on the east side of Page Street, approximately 460 feet northerly of Chiechi Avenue (498 Page St.) (Calio Elsie Trustee, Owner). SNI: Burbank/Del Monte. CEQA: EIR Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C04-113 – District 6

**Ordinance No. 27346 passed for publication.**

- **Open Forum**
  - (1) **David Mitchell spoke of the Governor's reorganization plan to eliminate the Board of Professional Engineers, the Board of Architects, and the Landscape Architectural Technical Committee.**
  - (2) **Mark Trout presented personal religious opinions.**
- **Adjournment**

**The Council of the City of San José was adjourned at 11:24 p.m.**

**JOINT CITY OF SAN JOSÉ  
CITY COUNCIL/FINANCING AUTHORITY  
AGENDA**

**6:23 P.M.**

**TUESDAY, JANUARY 25, 2005**

**CHAMBERS**

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**1. Call to Order**

**The meeting was called to order at 6:23 p.m.**

**2. Approval of various actions for Revenue Bonds for the land acquisition project lease for property located at 1125 Coleman Avenue and 328 West Brokaw Road.**

**Recommendation:**

(a) Adoption of a resolution by the City of San José Financing Authority (the "Authority"):

(1) Authorizing the issuance of City of San José Financing Authority Lease Revenue Bonds (Land Acquisition Project), Series 2005A (Taxable) and Series 2005B (AMT), (collectively, the "Bonds") in the not-to-exceed aggregate principal amount of \$90,000,000, to be sold through negotiated sale subject to certain limitations.

[Deferred from 11/30/04 – Item 2(b)(1)]

(2) Authorizing the Executive Director or the Executive Director's designee to select the appropriate variable rate mode at the time of the sale and throughout the duration of the Bonds pursuant to the terms and conditions of the Trust Agreement and the Remarketing Agreements.

[Deferred from 11/30/04 – Item 2(b)(2)]

(3) Approving, in substantially final form, the Bonds, the Trust Agreement, Site Lease Agreement, General Sublease Agreement, Operating Sublease Agreement, Standby Bond Purchase Agreement, Financial Guaranty Agreement, Preliminary Official Statement, Continuing Disclosure Agreement, Bond Purchase Agreements and Remarketing Agreements for the Bonds; authorizing the Executive Director, or the Executive Director's designee to execute and, as appropriate, to negotiate, and deliver these documents and other related financing documents and to take other actions as necessary in connection with the issuance of the Bonds.

[Deferred from 11/30/04 – Item 2(b)(3)]

(4) Authorizing the Executive Director or the Executive Director's designee, without further action from the Authority, to replace the Remarketing Agent and to enter into new Remarketing Agreements, in substantially the form of those approved hereby, with other broker dealers, remarketing agents or banks if the Executive Director or the Executive Director's designee deems it in the best interest of the Authority to do so.

[Deferred from 11/30/04 – Item 2(b)(4)]

**San José Financing Authority Resolution No. 68 adopted.**

**JOINT CITY OF SAN JOSÉ  
CITY COUNCIL/FINANCING AUTHORITY  
AGENDA**

**6:23 P.M.**

**TUESDAY, JANUARY 25, 2005**

**CHAMBERS**

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**2. Approval of various actions for Revenue Bonds for the land acquisition project lease for property located at 1125 Coleman Avenue and 328 West Brokaw Road (Cont'd.)**

**Recommendation:**

(b) Adoption of a resolution by the San José City Council:

- (1) Approving in substantially final form and authorizing the execution, as applicable, of the Site Lease Agreement, General Sublease Agreement, Operating Sublease Agreement, Preliminary Official Statement, Continuing Disclosure Agreement, Financial Guaranty Agreement, Standby Bond Purchase Agreement, Bond Purchase Agreement, Custodian Agreement and authorizing the City Manager or his designee to execute and, as appropriate, to negotiate, and deliver these documents and other related financing documents and to take other actions as necessary in connection with the issuance of the Bonds.

[Deferred from 11/30/04 – Item 2(c)(1)]

CEQA: Resolution No. 71716, PDC 98-12-104. (Finance/Airport)

**Resolution No. 72508 adopted.**

- (c) Adoption of a resolution by the San José City Council approving the addition of the City Property located on Remillard Court adjacent to Interstate 280 to the north, Remillard Court to the east, Story Road to the south, and Coyote Creek to the west as additional collateral for the Housing and Urban Development (HUD) Section 108 loan for the purchase of a portion of 74.87 acres of property located at 1125 Coleman Avenue. CEQA: Resolution No. 71716, PDC 98-12-104. (Economic Development/Finance)

**Resolution No. 72509 adopted.**

3. Adjourn the San José Financing Authority.  
**The meeting was adjourned at 6:24 p.m.**